



CITY OF SUNNYVALE REPORT Administrative Hearing

October 15, 2003

SUBJECT: **2003-0670-Ramamoorthy Ramasamy [Applicant] Virginia Joe et al** [Owner]: Application for a Special Development Permit on a 86,249 square foot site (Bernardo Plaza) located at **1177 West El Camino Real** in a C-2/PD (Highway Business/Planned Development) Zoning District. (APN: 161-23-003, 161-23-002)

Motion **2003-0670** – Special Development permit to allow the expansion of a restaurant within an existing shopping center.

REPORT IN BRIEF

Existing Site Local Shopping Center

Conditions

Surrounding Land Uses

North	Duplexes
South	Across El Camino Real, Strip Commercial
East	Strip Commercial
West	Commercial and Apartments

Issues Adequacy of parking on site, compatible use with existing uses

Environmental Status A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines.

Staff Recommendation Approve reduced intensity



PROJECT DATA TABLE

	<u>EXISTING</u>	<u>PROPOSED</u>	<u>REQUIRED/ PERMITTED</u>
General Plan	Commercial General Business	Same	Commercial General Business
Zoning District	C-2/PD	Same	Same
Lot Size	2.4 acres	Same	No Min.
Gross Floor Area (s.f.)	Shopping Center 19,450 McDonalds 2,345 (Subject tenant 3,000)	Same	NA
Floor Area Ratio (FAR)	28%	Same	35%max.
No. of Buildings On-Site	2 <i>(Including McDonalds)</i>	Same	---
Parking			
• Total No. of Spaces*	151	151	131 min.*
• No. of Standards	146	145	NA
• Accessible	5	6	
• No. of Compacts / % of total	None	None	10 %max.
• Landscaping (sq. ft.)	8,040	8,040	17,250

* Shopping Center 1 space/200 square feet plus Fast Food 1 space/75 square feet for McDonalds

ANALYSIS**Background**

Previous Actions on the Site: The original development of the site appears to have occurred prior to 1964 without the need for a Use Permit. Subsequently, the City has reviewed numerous variances, use permits, and sign programs from 1964 to present for the subject site. The original site appears to have been an "L" shaped lot that included the shopping center (APN: 161-23-003) and McDonalds (APN: 161-23-002) and was subdivided as part of a parcel map in 1976. Staff's review of the Final Map indicates that shared parking and ingress/egress easements are allocated to each of the parcels. Staff has not obtained a copy of the recorded instrument that created the easements to verify

exact number or location of spaces on the site. Furthermore, in prior applications, staff has not accounted for the McDonalds building during enumeration of project data, including parking demand and supply for the subject site. Essentially, McDonalds has been treated as a separate parcel from the shopping center and it has its own on-site parking although the parcel map indicates there is likely some shared parking agreement.

The following table summarizes pertinent previous planning applications related to the subject site.

File Number	Brief Description	Hearing/Decision	Date
V 64-3	Pizza Restaurant, parking variance 8 spaces in lieu of 14	PC/Approved	1964
V 64-72	Nightclub, parking variance 33 spaces in lieu of 53	PC/Approved	1964
SDP 4355/4478	Restaurant expansion, shared parking arrangement approved	PC/Approved	1980
SDP 2002-0115	Entertainment use within existing nightclub	Admin/Approved	2002

Description of Proposed Project

The application is for the expansion of a 1,000 square foot space to a total of 3,000 square feet. The expansion will convert vacant retail/personal service tenant spaces to a restaurant use. The restaurant will provide for indoor seating and buffet service.

Environmental Review

A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions. Class 1 Categorical Exemptions include changes of use to existing facilities.

Special Development Permit

Use: The proposed use will be a restaurant oriented to quick turnover take out and buffet style meals. The applicant does not propose to serve alcohol on the site. The restaurant is configured to seat 48 person with indoor dining only. The proposed style of service does not neatly fit into standard restaurant classifications of exclusive fast food, take-out, or sit down dining.

Site Layout: As discussed earlier the site was developed as a strip shopping center with a fast food restaurant along El Camino Real. The subject tenant

space is located within the strip shopping center and is served by 90 degree parking along the building that is accessed from Bernardo Avenue and also by a central parking area perpendicular to the building that may also be entered from El Camino Real. The rear of the shopping center is set back 30 feet from the north property line. Residential uses abut the north property line. Service access occurs via the rear (north) of the site. Easements are in place for the ingress, egress and parking across the site for the abutting site's of Carl's Jr, McDonalds, and the subject Bernardo Center shopping center.

Parking:

The abutting McDonalds has been deducted from this parking analysis in deference to past staff analysis over the past 40 years. The McDonalds restaurant would generate the need for 33 parking spaces and has provided 27 on its site. Excluding McDonalds, the number of available parking spaces for the shopping center is 123 spaces including accessible spaces.

The Bernardo Center is required to reevaluate the parking demand and supply of the site due to the fact the site is occupied by greater than 10% restaurant uses. The new proposed mix is 32% restaurant. The parking demand for a shopping center would be calculated at 1 space per 200 square feet and would require 103 parking spaces if the mix of uses was not greater than 10% of non retail use. When the individual uses are broken out in the table below the parking demand rises to 175 spaces. The proposed use has 48 fixed seats and approximately 2,000 square feet of other space for a total demand of 29 spaces. The result is a net increase in parking demand of 12 spaces, the equivalent of 24 seats.

Table A

Tenant	Size (sq. ft.)	Use	Ratio (space/sq. ft.)	Required Parking
Lucky Cut	1000	Personal Service	1/180	6
Sunny Nails	1000	Personal Service	1/180	6
<i>Madras Café</i>	<i>3000</i>	<i>Rest. Fixed seats</i>	<i>.5/seat + 1/400 other</i>	<i>29</i>
Hala's	1000	Café no fixed seats	1/110	9
Riverside Lounge	2650	Nightclub	1/50	53 (33*)
Noodle House	3000	Rest. no fixed seats	1/110	28
Nilgris	3000	Grocery	1/180	17
Coin Op Laundry	1630	Personal Service	1/180	9
Dry Cleaning	1020	Personal Service	1/180	6
Gala Mart	2150	Retail	1/180	12
TOTALS	19,450			175 (155*)

* Reduced total for prior variance

The nightclub is the highest parking generator with peak demand estimated to be later in the evening. A variance was granted in 1964 to the nightclub using the off peak demand rational requiring the nightclub to only provide 33 spaces rather than today's standard of 53 spaces. Taking the variance in to account, the parking demand for the shopping center would then be reduced accordingly to 164 spaces.

Parking Alternatives

As proposed, the application intensifies the use of a site beyond the parking supply that is available. The four alternatives for the application follow:

1. Deny the requested permit.
2. Approve a shared parking demand plan.
3. Approve a deviation to required number of parking spaces.
4. Condition the approval to have no net change in parking demand above the space as calculated for retail uses. (Total of 17 spaces)

Shared Parking/Supply

The opportunity for additional shared parking arrangements do not appear readily available. All of the tenants are open during the peak demand lunch hours and evening dining hours. Additional supply is not available as the two abutting fast food restaurants rely upon the existing parking supply and do not have excess spaces to lease to the shopping center. Staff does not see opportunities to increase the parking supply by adding parking spaces within the confines of current parking lot. The site is non-conforming for landscaping requirements and that space could not be converted to impervious parking surface.

Staff has visited the site during the lunch hour under existing conditions and in the evening hours. The recent survey of the site during the lunch hours showed available spaces (20-25) primarily located in the central parking area access off of El Camino Real. The subject expansion area was vacant of uses during the most recent visit. The abutting fast-food restaurants appeared to be self-supporting in parking supply.

Parking Deviation

Staff does not believe that a deviation is appropriate for the required parking. Based on SMC standards, the site is significantly under parked per its existing use mix and appears based on staff observation to be utilized towards the upper range of its capacity. The site already has a large percentage of high demand restaurant uses and a nightclub that need parking spaces to serve

them. Lowering the calculated parking demand for the requested use is projected to exacerbate a tight parking situation and it would have the potential to be detrimental to both the adjacent uses and the public transportation system at the site's access points by causing congestion.

Staff Recommendation- No Net Gain Parking Demand

The proposed expansion would need to be reduced in scope to approximately half of its proposed size to have no net increase in parking demand above a retail rate. The 3000 square foot space has a demand for 17 parking spaces. Under the current floor plan for the site with 2,000 square feet of other/open space, 24 fixed seats could be provided to equal 17 parking spaces. The seats would need to be permanently affixed to the ground to ensure there is not an intensification of the use by providing additional tables and chairs to serve customers that are not accounted for in this alternative.

Due to the nature of the project description with a strong component of take out, staff believes the use of the 1/400 square feet of other space in the fixed seating standard is generous for the applicant. The waiting area for food could easily accommodate more than 1 person, if the dining area is not exclusive for on-site consumption there is greater efficiency of double use of the space and less intensive in parking demand making the 1/400 more appropriate. Mixing of patrons would create a less formal atmosphere in the restaurant and may not meet the desire of the applicant.

Circulation:

The site is primarily accessed from El Camino Real and Bernardo Avenue with additional internal access through McDonalds and Carl's Jr. There is a separate service entrance from Bernardo Avenue at the rear of the shopping center building. The parking stalls themselves are nonconforming in terms of having an 8 foot width and 16 foot depth including the wheel stops (effectively 14 feet depth). The backup space is typically 24-26 feet in width, although the effective aisle width is generally reduced due to the substandard parking stall depth.

Staff has concerns about the access to the site and its affect on the internal circulation of the parking lot. The access from El Camino Real is adequate due to the distance of parking stalls and from the entrance. However, the primary entrance from Bernardo Avenue has design issues that cumulatively detract from the viability of some parking spaces. The configuration of the entrance has an acute angle for inbound traffic, a narrow driveway throat and lack of space for stacking; all of design deficiencies are exacerbated by the substandard depth of the parking spaces. Congestion exists at this entrance and delays the ability of people to leave and enter parking spaces as well as the

site itself. Staff has also included a condition for bicycle parking to encourage alternative modes of transportation to the site.

The proposed use would intensify (number of patrons and high turnover of take out orders) the overall use of the site and add more pressure on the ability to adequately and efficiently use the existing parking supply. Staff has included conditions of approval to address the Bernardo Avenue entrance. The conditions include removing the wheel stops for the first 15 parking spaces on the south side of the Bernardo Avenue entrance. A second condition requires that the entrance for inbound traffic be modified from the flared curb cut to a radial curb cut. Both of these improvements will enhance internal circulation on the site and provide a benefit to businesses of better access for customers to the site and the parking stalls. (Condition #13 and #14)

Compliance with Development Standards

The application does not comply with parking requirements for the entire site. Any new restaurant space will exceed the parking requirement for the shopping center without a deviation. Staff has recommended an approval of the restaurant that results in no net gain in parking demand above retail.

The landscaping is not in compliance with current standards. Implementation of staff's condition of approval to modify the Bernardo Avenue entrance may result in a slight reduction in ground cover landscaping. The prior use permit granted for the shopping center (2002-0115) had a condition to refurbish landscaping to the level of the original plan. These improvements have not been completed at the time of writing this staff report. Staff has included a condition of approval to install the required trees in the central parking area and in tree wells behind the building. (Condition #15)

Expected Impact on the Surroundings

Although the site is not fully parked everyday or at all times because of vacancies and actual business use below projected rates, the prospect of the site being fully utilized is a possibility. Uses that today are not drawing customers at the rates estimated in the code do not relieve the site's parking requirements. For two reasons staff cannot take into account the current parking demand and availability of spaces. First, customer levels are variable and the current use levels could be a trough in demand based on current tenants. Secondly, other uses may move in as a matter of right and be more successful and utilize parking at or above code standards.

By reducing the parking requirement there may be an impact on the existing businesses and, potentially, on the traffic on public streets. If parking was to overflow from the site during peak demand it could result in obstruction of traffic or parking on the street affecting level of service on regionally significant arterial.

All other impacts of the use would be similar to existing conditions and can be accommodated by development standards

Findings, General Plan Goals and Conditions of Approval

Staff is recommending approval of a reduced intensity of expansion. The site does not meet development standards for parking and cannot accommodate the full intensity of the request without negative impacts on adjoining uses.

Staff was able to make the required Findings based on the justifications for the Special Development Permit.

- Findings and General Plan Goals are located in Attachment 1.
- Conditions of Approval are located in Attachment 2.

Public Contact

Notice of Public Hearing	Staff Report	Agenda
<ul style="list-style-type: none">• Published in the <i>Sun</i> newspaper• Posted on the site• Mailed to the adjacent property owners of the project site	<ul style="list-style-type: none">• Posted on the City of Sunnyvale's Website• Provided at the Reference Section of the City of Sunnyvale's Public Library	<ul style="list-style-type: none">• Posted on the City's official notice bulletin board• City of Sunnyvale's Website• Recorded for SunDial

Alternatives

1. Approve the Special Development Permit with conditions as proposed by Staff.
2. Approve the Special Development Permit with modified conditions
3. Deny the Special Development Permit

Recommendation

Alternative 1

Prepared by:

Kelly Diekmann
Project Planner

Reviewed by:

Gerri Carusso
Principal Planner

Attachments:

1. Findings
2. Conditions of Approval
3. Site and Architectural Plans
4. Applicant submittals

Findings – Special Development Permit

1. The proposed use does attain the objectives and purposes of the General Plan of the City of Sunnyvale.

Land Use and Transportation Element

Policy N1.13 Promote an attractive and functional commercial environment.

The current parking areas are shared by a multitude of users with a high percentage of high demand restaurant uses. The configuration of the access from Bernardo Avenue detracts from the functionality of the site as well. The attached conditions address the intensity of the expansion and include site improvements to address deficiencies existing on site. Bicycle parking is also provided to encourage less vehicle visits to the site, thereby potentially reducing the parking space demand.

The provision of new landscaping to replace former trees will provided additional parking lot shading to enhance the visual appeal of the shopping center.

2. The proposed use is desirable, and will not be materially detrimental to the public welfare or injurious to the property, improvements or uses within the immediate vicinity and within the Zoning District. The site improvements will improve the existing conditions and the use will not exacerbate the non-conforming parking situation while providing additional economic opportunities for an aging shopping center.

Conditions of Approval - Use Permit

In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions, the Permittee expressly accepts and agrees to comply with the following Conditions of Approval for this Permit.

1. This Special Development Permit shall expire within two years from the date of approval if not exercised.
2. Any expansion or major modification of the approved 3000 sq. ft. restaurant shall be approved by the Director of Community Development through a subsequent Administrative Hearing. Minor modifications may be approved at staff level by the Director of Community Development.
3. Due to the non-conforming parking supply of the site, outdoor seating shall not be permitted.
4. The applicant/property owner shall obtain the necessary building permits as required by Sunnyvale Municipal Code 16.18.020.
5. Final conditions of approval shall be reproduced cover sheet of the building permits.
6. The applicant shall procure County Health approval prior to submitting for the building permit.
7. Accessible parking and path of travel shall be provided for per building code.
8. Seating of the approved plan shall be permanently fixed to the floor and noted as such on building permits, final seating arrangement to be approved by planning staff with no net gain in parking demand for the tenant space.
9. Prior to the issuance of the first building permit, a waste management plan shall be submitted to the Solid Waste Division of Public Works for review and approval. The approved management plan may require additional dumpsters and or enlargement of existing trash enclosures. Such improvements shall be incorporated into the first building permit issued for the site.
10. Any new exterior roof protrusions, which exceeds sixteen inches, shall be screened except those noted by Sunnyvale Municipal Code 19.38.020. Screening shall be reviewed by the Director of Community Development.
11. A bicycle parking plan that accommodates a minimum of 2 Class II parking spaces (*loops*) shall be submitted for review and approval prior to the issuance of a building permit. The approved bicycle parking plan shall be incorporated into the first building permit issued for the site.

12. Fire Lane access only/no parking shall be delineated along the rear service alley of the subject building and incorporated into the first building permit issued for the site.
13. Prior to the issuance of a building permit, a plan shall be submitted and reviewed by the Planning Department for feasible modifications to the approach for the inbound parking aisle lane from Bernardo Avenue. Obtain all necessary permits for implementation of the improvements and complete the improvements within 6 months of occupancy.
14. Prior to the issuance of the first building permit, provide a parking plan that increases the depth of the parking stalls (15 spaces) adjacent to the Bernardo Avenue entrance on the south side by removing the wheel stops. The approved modifications shall be incorporated into the first building permit issued for the site.
15. Prior to the issuance of the first building permit, a landscape plan shall be submitted for review and approval for the installation of a total of four trees on each side of the central walkway, existing trees may count towards the total. Shade tree species shall be proposed and installed at a minimum size of 15 gallons. The vacant tree wells along the north property line shall also be installed with appropriate tree species to be review and approved by staff. All landscaping shall be properly installed prior to the issuance of any building permits for the site.